

PROCEEDINGS OF THE COMMON COUNCIL

IN Regular SESSION

Tuesday, May 23, 19 72

CITY OF FORT WAYNE, INDIANA

Journal of the Proceedings
of the Common Council

The Common Council of the City of Fort Wayne met in the Council Chambers

Tuesday evening May 23 A.D., 19 72 in Regular
Session. President John Nuckols in the chair, and Charles W. Westerman
Clerk, at the desk, present the following members Nine viz:

Burns ✓, Hinga ✓, Kraus ✓, Nuckols ✓
Moses ✓, Donald Schmidt ✓ Vivian Schmidt ✓ Stier ✓
Talarico ✓ Absent ✓, Councilman ✓

The invocation was given by R. Paul Koons, Christian Educator

Received report from the City Controller for the month of April 19 72.

Motion made and carried that report be made a matter of record and placed on file.

The minutes of the last regular May 9, 19 72 Session
having been delivered to the Council, were, on motion, approved as published.

CLERK-TREASURER'S, CITY CONTROLLER'S AND CITY TREASURER'S MONTHLY FIN

MONTH OF

APRIL

19 72

Prescribed by State Board of Accounts

FUNDS	TOTAL JAN 1 BALANCE AND RECEIPTS TO DATE	RECEIPTS FOR MONTH 2	TOTAL BALANCE AND RECEIPTS 3	OISBURSED TO DATE 4	OISBURSED FOR MONTH 5	OISBURSED FOR MONTH 6
GENERAL FUND	2674,121.60	1881,127.88	4555,249.48	2595,307.14	1560,963.13	410,000.00
HUMANE TRUST	8,645.66	526.00	9,171.66	720.00	240.00	0.00
AVIATION	189,571.34	48,958.57	238,529.91	113,009.38	49,857.28	10,000.00
PARK - GENERAL	566,065.02	406,620.12	972,685.14	555,820.20	329,305.77	80,000.00
PARK - TRUST	116,479.35	207.87	116,687.22	100,113.50	927.00	10,000.00
PARK-CUMULATIVE BUILDING	228,759.74	4,900.00	233,659.74	215,000.00	---	20,000.00
REDEVELOPMENT GENERAL	170,022.96	---	170,022.96	19,690.02	13,667.32	0.00
REDEVELOPMENT DISTRICT CAPITAL	418,480.52	10,358.86	428,839.38	1,050.00	350.00	0.00
CENTRAL CITY CODE ENFORCEMENT	25,973.44	---	25,973.44	2,864.85	---	0.00
CENTRAL CITY PARK LAND	12,380.60	---	12,380.60	299.00	---	0.00
MOTOR VEHICLE HIGHWAY	432,435.68	184,720.86	617,156.54	285,840.35	171,621.08	40,000.00
PARKING METERS	183,667.65	109,047.89	292,715.54	119,808.79	11,697.63	10,000.00
SEWER RELIEF	631,876.89	44,000.00	675,876.89	589,045.64	23,439.74	60,000.00
FLOOD PREVENTION & RIVER IMPROVEMENT	62,753.79	5,000.00	67,753.79	60,156.66	5,321.38	0.00
PARKING GARAGE	30,218.12	5,988.87	36,206.99	20,599.47	17,404.24	0.00
PUBLIC LIGHTING	37,629.05	4,900.00	42,529.05	34,447.56	1,178.00	0.00
EXPRESSWAY	80,954.57	---	80,954.57	79,375.07	---	0.00
ST.MARY'S RIVER IMPOUNDING	251,792.44	---	251,792.44	240,000.00	---	20,000.00
LOCAL ROAD & STREET ACCOUNT	321,091.88	---	321,091.88	186,856.60	---	18,000.00
OMNIBUS CRIME CONTROL	56,639.88	---	56,639.88	33,548.53	5,701.85	0.00
FIRE PENSION	219,940.23	71,985.90	291,926.13	203,388.68	74,562.38	27,000.00
POLICE PENSION	229,510.32	71,383.96	300,894.28	215,494.53	71,633.02	28,000.00
SANITARY OFFICER'S PENSION	45,365.60	386.07	45,751.67	38,958.59	2,983.53	0.00
FORT WAYNE ART INSTITUTE	84.21	---	84.21	---	---	0.00
CUMULATIVE CAPITAL IMPROVEMENT	699,332.70	100,000.00	799,332.70	694,411.69	54,995.64	70,000.00
CITY - COUNTY BUILDING	61,046.15	---	61,046.15	10,491.12	3,050.15	0.00
EMERGENCY EMPLOYMENT ACT (E.E.A.)	134,046.41	40,000.00	174,046.41	99,589.29	57,696.87	15,000.00
PAYROLL	2454,521.61	1320,307.87	3774,829.48	2450,499.55	1278,354.09	370,000.00
R-51 FORT WAYNE NAT'L BANK	14,764.51	---	14,764.51	10,617.51	---	0.00
R-51 DEPOSIT HELD ACCT-FT.WAYNE BANK	7,692.37	---	7,692.37	---	---	0.00
R-51 ANTHONY WAYNE BANK	138,902.58	---	138,902.58	97,362.58	41,540.00	13,000.00
R-52 LINCOLN NAT'L BANK	110,028.74	60,000.00	170,028.74	68,510.11	---	0.00
R-52 DEPOSIT HELD-LINCOLN NAT'L.	92,271.15	30,129.17	122,400.32	90,000.00	30,000.00	12,000.00
TOTALS						
ADJUSTMENTS (explain fully)						
BALANCE (Col. 7 must agree with Col. 8)						

CLERK-TREASURER'S, CITY CONTROLLER'S AND CITY TREASURER'S MONTHLY FIN

MONTH OF APRIL 1972

Prescribed by State Board of Accounts

FUNDS	TOTAL JAN. 1 BALANCE AND RECEIPTS TO DATE	RECEIPTS FOR MONTH 2	TOTAL BALANCE AND RECEIPTS 3	DISBURSED TO DATE 4	DISBURSED FOR MONTH 5	DI
R-52A ANTHONY WAYNE BANK	19,540.20	---	19,540.20	19,540.20	---	
R-53 REVOLVING	41,798.88	20,640.80	62,439.68	26,720.30	17,689.03	
ELECTRIC	3703,562.99	1013,117.61	4716,680.60	2989,390.45	1366,235.30	43
WATER	3203,929.28	1053,090.36	4257,019.64	2611,726.88	1372,341.01	39
SEWER	4138,985.15	943,595.68	5082,580.83	3720,578.14	1067,174.04	47
WATERWORKS CONSTRUCTION PHASE 11	152,698.48	150,000.00	302,698.48	150,945.25	150,297.00	36
MUNICIPAL UTILITIES PENSION	37,388.78	9,288.13	46,676.91	28,513.28	9,672.79	
CRIME CONTROL-POLICE LEGAL ADVISOR	3,923.02	---	3,923.02	3,173.07	1,730.76	
ACCIDENT REPORT ACCOUNT	23,610.00	1,659.00	25,269.00	4,298.86	1,899.50	
SEWAGE WORKS CONSTRUCTION	550,857.64	150,000.00	700,857.64	433,667.69	150,735.00	50
INNER CITY STORM RELIEF PLAN	644,227.50	240,000.00	884,227.50	634,349.16	248,944.00	80
FIRE REPORT ACCOUNT	95.96	10.00	105.96	---	---	
C. R. P. - 89	48,000.00	---	48,000.00	---	---	
PAYROLL PENSION FUNDS	280,867.77	142,458.93	423,326.70	280,867.77	142,458.93	40
CHANGE	500.00	---	500.00	---	---	
TOTALS	23557,052.41	8124,410.40	31681,462.81	20136,647.46	8335,667.46	28
ADJUSTMENTS (explain fully)						
BALANCE (Col. 7 must agree with Col. 8)						

A MISPRINT WAS NOTED BY THE CITY CLERK
IN THE COMMUNICATION FROM THE MAYOR
REGARDING ORDINANCE # Z-08-72. IT SHOULD
READ ORDINANCE # Z-08-72 INSTEAD OF
ORDINANCE # Z-06-72.

The City of Fort Wayne

office of the mayor

COMMUNICATION FROM THE MAYOR

May 10, 1972
To the Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Today, May 10, 1972, I have approved the following ordinances passed by the Common Council at its regular meeting on May 9, 1972.

(Bill No. S-72-04-19)
SPECIAL ORDINANCE NO. S-33-72

A SPECIAL ORDINANCE authorizing the implementation of an affirmative action program, creating the appointive office of Equal Opportunity Officer, and fixing the salary for said office.

(Bill No. S-72-04-16)
SPECIAL ORDINANCE NO. S-34-72

AN ORDINANCE approving a certain bid document with C. A. LEHMAN & SONS, INC. for Reconstruction of Franke Nature Lodge Building.

(Bill No. S-72-05-02)
SPECIAL ORDINANCE NO. S-32-72

AN ORDINANCE approving a certain bid document with Allen County Motors, Inc. for six 4-door station wagons.

(Bill No. Z-72-03-05)
ZONING MAP ORDINANCE NO. Z-08-72

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. F-12.

(Bill No. S-72-04-15)
SPECIAL ORDINANCE NO. S-35-72

AN ORDINANCE approving Change Order No. 7 with C & C/Bohrer, Inc. covering work performed on Sewage Works Project.

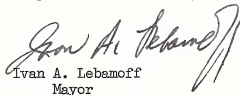
(Bill No. R-72-04-13)
RESOLUTION NO. R-23-72

A RESOLUTION concerning certain power of the Fort Wayne Economic Development Commission.

(Bill No. A-72-04-23)
APPROPRIATION ORDINANCE NO. A-02-72

AN ORDINANCE transferring funds within the 1972 Budget of the Redevelopment Commission.

Respectfully submitted,


Ivan A. Lebamoff
Mayor

MADE A MATTER OF RECORD

DATE 5-23-72 CHARLES W. WESTERMAN, CITY CLERK

P R O C L A M A T I O N

WHEREAS, The week of May 14 thru May 20, 1972, has been set aside as National Police Week, and

WHEREAS, Monday, May 15, 1972, has been designated as a national day of recognition for those valiant police officers who have made the ultimate sacrifice of giving their lives in the service of the private citizenry, and

WHEREAS, The Fort Wayne Police Department has proven that their services are invaluable and that their performance has been exemplary, and

WHEREAS, Officers Mathew Gebhart and Kenneth Stiverson gave their lives in the performance of their duties;

NOW, THEREFORE, I, Ivan A. Lebamoff, Mayor of the City of Fort Wayne, do hereby proclaim the week of May 14 thru May 20, 1972, to be POLICE WEEK in Fort Wayne in recognition of the excellence of our police officers, and also proclaim May 15, 1972, to be a day of recognition and honor for Officers Gebhart and Stiverson.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Seal of the City of Fort Wayne to be affixed this 14th day of May, 1972.


Ivan A. Lebamoff, Mayor

MADE A MATTER OF RECORD

DATE 5-23-72 CHARLES W. WESTERMAN, CITY CLERK



City of Fort Wayne

May 19, 1972

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Number: 39-72/E.

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolution a matter of record
and incorporate them into the minutes of the next Common Council
Meeting.

Respectfully submitted,

Thomas J. Casaburo
Director of Public Safety

MADE A MATTER OF RECORD

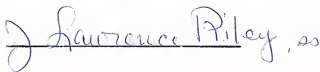
DATE 5-23-72 CHARLES W. WESTERMAN, CITY CLERK



RETURN CERTIFICATE

(Regulatory Resolution No. 39-72 / E)

I hereby certify that I did this 19th day of May, 19 72 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 39-72/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55, adopted FEB. 14, 1961.

 J. Lawrence Riley, ss

EXECUTIVE SECRETARY

REGULATORY RESOLUTION NO 39-72/E

(Adopted May 19, 19 72)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to Renew & Extend Regulatory Resolutions 19-72/E & 20-72/E

_____ ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 17, 19 72, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G-55. adopted FEB. 14, 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective May 19 _____,

19 72 and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

DELETE

A. Through Street

1. Wells Street - from - Superior Street to North city limits except at Superior St. and State Boulevard.

B. One-Way Street

1. Foster Park Drive - southbound - from Old Mill Road to Hartman Road

The Council then adjourned.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 23rd day of May, 19 72; that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 23rd day of May, 19 72.

Charles W. Westerman
City Clerk

SEAL

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, MAY 23, 1972

CITY OF FORT WAYNE, INDIANA
Journal of the Proceedings
of the Common Council

The Common Council of the City of Fort Wayne met in the Council Chambers Tuesday evening May 23 A.D., 1972 in Regular Session. President John Nuckols in the chair, and Charles W. Westerman Clerk, at the desk, present the following members Nine viz:

Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, V. Schmidt, Stier, Talarico

Absent: None

The invocation was given by Rev. R. Paul Koons, Christian Educator

The minutes of the last regular May 9, 1972, session having been delivered to the Council, were, on motion, approved as published.

Received report from the City Controller for the month of April, 1972. Motion made and carried that report be made a matter of record and placed on file.

COMMUNICATION FROM THE MAYOR

May 10, 1972
To the Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Today, May 10, 1972, I have approved the following ordinances passed by the Common Council at its regular meeting on May 9, 1972.

(Bill No. S-72-04-19)
SPECIAL ORDINANCE NO. S-33-72

A SPECIAL ORDINANCE authorizing the implementation of an affirmative action program, creating the appointive office of Equal Opportunity Officer, and fixing the salary for said office.

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RESOLUTION concerning certain power of the Fort Wayne Economic Development Commission.

(Bill No. A-72-04-23)
APPROPRIATION ORDINANCE NO. A-02-72

AN ORDINANCE transferring funds within the 1972 Budget of the Redevelopment Commission.

Respectfully submitted,

Ivan A. Lebamoff
Mayor

Made a matter of record 5-23-72

Charles W. Westerman
City Clerk

P R O C L A M A T I O N

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WHEREAS, Monday, May 15, 1972, has been designated as a national day of recognition for those valiant police officers who have made the ultimate sacrifice of giving their lives in the service of the private citizenry, and

WHEREAS, THE Fort Wayne Police Department has proven that their services are invaluable and that their performance has been exemplary, and

WHEREAS, Officers Mathew Gebhart and Kenneth Stiverson gave their lives in the performance of their duties;

NOW, THEREFORE, I, Ivan A. Lebamoff, Mayor of the City of Fort Wayne, do hereby proclaim the week of May 14 thru May 20, 1972, to be POLICE WEEK in Fort Wayne in recognition of the excellence of our police officers, and also proclaim May 15, 1972, to be a day of recognition and honor for Officers Gebhart and Stiverson.

IN WITNESS WHEREOF I have
hereunto set my hand and
caused the Seal of the
City of Fort Wayne to
be affixed this 14th day
of May, 1972.

Ivan A. Lebamoff
Mayor

Made a matter of record 5-23-72

Charles W. Westerman
City Clerk

COMMUNICATION FROM THE BOARD OF PUBLIC SAFETY

May 19, 1972

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Number: 39-72/E.

For the purpose of enforcement, please make this communication and the attached Regulatory Resolution a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully submitted,

Thomas J. Casaburo
Director of Public Safety

Made a matter of record 5-23-72

Charles W. Westerman
City Clerk

REGULATORY RESOLUTION NO. 39-72/E
(Adopted May 19, 1972)

WHEREAS, Section 20 (a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14, 1961 authorizes the Board of Public Safety to make experimental regulations

to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to Renew & Extend Regulatory Resolutions 19-72/E & 20-72/E; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 17, 1972, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of the Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No. G-55, adopted FEB. 14, 1961, to make experimental regulations to cover special conditions, it is hereby ordered, effective May 19, 1972, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

DELETE

A. Through Street

1. Wells Street - from - Superior Street to North City Limits except at Superior St. and State Boulevard.

B. One-Way Street

1. Foster Park Drive - southbound - from Old Mill Road to Hartman Road

RETURN CERTIFICATE

(Regulatory Resolution No. 39-72/E)

I hereby certify that I did this 19th day of May, 1972 deliver to each, the City Traffic Engineer, The Chief of Police, The City Attorney, The City Clerk and The President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 39-72/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55 adopted FEB. 14, 1961.

J. Lawrence Riley
Executive Secretary

BILL NO. A-72-05-10

APPROPRIATION ORDINANCE NO. A-_____

AN ORDINANCE appropriating funds from the General Fund of the 1972 Budget to Account No. 9-3-333 in the 1972 Budget of the Board of Public Health.

WHEREAS, additional expenses have been incurred in the costs of supplies and medications for the treatment of venereal disease due to the steadily increasing rate of venereal disease, and there are insufficient funds to pay the costs of said supplies and medications; and

WHEREAS, there now exists in the General Fund of the 1972 Budget of the City of Fort Wayne an unobligated balance which is sufficient to pay the cost for the additional supplies and medications for the Board of Public Health, and which unobligated balance has not been appropriated for any other purpose.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That there is hereby appropriated out of the unobligated balance of the General Fund of the 1972 Budget of the City of Fort Wayne, Indiana, the sum of \$12,000.00 to Account No. 9-3-333, Clinic, in the 1972 Budget of the Board of Public Health.

SECTION 2. That the unobligated and unappropriated balance of the General Fund of the 1972 Budget of the City of Fort Wayne, Indiana, is hereby reduced in the amount of \$12,000.00.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.

William T. Hinga
Councilman

Read the first time in full and on motion by Hinga seconded by V. Schmidt and duly adopted, read the second time by title and referred to the Committee on Finance and Public Hearing to be held after due legal notice, at the Council Chambers, City-Court Building, Fort Wayne, Indiana, on Tuesday, the 13th day of June, 1972, at 7:30 o'clock P.M., E.S.T.

Date: 5-23-72

Charles W. Westerman
City Clerk

BILL NO. S-72-05-09

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE ordering a sidewalk on the south-side of Vance Avenue, in the City of Fort

Wayne, Indiana, except where sidewalk is now in place.

WHEREAS, the Board of Public Works of the City of Fort Wayne adopted Sidewalk Improvement Resolution Nos. as follows:

Sidewalk Improvement Resolution No. 5610-1972 for the construction of sidewalk on the south side of Vance Avenue from the east curb line of Devon Drive to the west curb line of Kingsley Drive, except where sidewalk is now in place.

Sidewalk Improvement Resolution No. 5613-1972 to construct sidewalk on the southside of Vance Avenue from the east property line of Glencairn Drive to the west property line of Devon Drive, except where sidewalk is now in place to a width of five feet.

Sidewalk Improvement Resolution No. 5614-1972 to construct sidewalk on the south side of Vance Avenue from the east property line of Kingsley Drive to a point approximately 166 feet east thereof to a width of five feet.

Sidewalk Improvement Resolution No. 5615-1972 to construct sidewalk on the south side of Vance Avenue from the east pavement line of Colisum Boulevard North to the west curb line of Inwood Drive to a width of five feet.

Sidewalk Improvement Resolution No. 5616-1972 for the construction of a side side of Vance Avenue from the east curb line of Inwood Drive to the west property line of Glencairn Avenue to a width of five feet.

Sidewalk Improvement Resolution No. 5617-1972 to construct sidewalk on the north side of Vance Avenue from the east curb line of Inwood Drive to the west property line of Glencairn Drive to a width of five feet.

WHEREAS, within 10 days after the day named for hearing upon said Resolutions, a majority of the resident freeholders on said street remonstrated against said improvement; and

WHEREAS, on May 11, 1972, the Board of Public Works, upon consideration of such remonstrance, determined that in its opinion, a public need and necessity for said sidewalk exists for the safety of the children in the area so that they will not be compelled to walk and play in the street, and by its communication dated May 11, 1972, heretofore made a matter of record, communicated the foregoing to this body; and

WHEREAS, Section 107 of Chapter 129 of the Acts of 1905 of the State of Indiana amended, provides that in the event of such a remonstrance, the improvement shall not be made unless specifically ordered by an ordinance within 60 days thereafter, passed by two-thirds vote of the Council and approved by the Mayor:

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the construction of the above-described sidewalk is hereby deemed to be of public need and necessity in order to provide for the safety of the children living and playing in said area.

SECTION 2. That notwithstanding any remonstrance filed against the same by the resident freeholders on said street, the construction of a sidewalk on the south side of Vance Avenue as above described, be and the same is hereby specifically ordered, and this Ordinance shall be and constitutes sufficient authority and direction to proceed in accordance with said resolution.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, and approval by the Mayor.

Winfield Moses, Jr.
Councilman

Read the first time in full and on motion by Moses seconded by Hinga and duly adopted, read the second time by title and referred to the Committee on Public Works.

Date: 5-23-72

Charles W. Westerman
City Clerk

BILL NO. S-72-05-11

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving a certain bid document with INTERNATIONAL HARVESTER COMPANY for two (2) trucks for slurry machines.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. A certain bid document Reference No. 454 dated May 19, 1972 between the City of Fort Wayne, by and through its Mayor and the Board of Public Works-Street Department, and INTERNATIONAL HARVESTER COMPANY, for

2 - Trucks for Slurry Machines

as more specifically set forth in said bid document Reference No. 454 and Purchase Order No. 3-07606, which are on file in the office of the Department of Purchasing, and are by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the first time in full and on motion by Hinga seconded by V. Schmidt and duly adopted, read the second time by title and referred to the Committee on Finance.

Date: 5-23-72

Charles W. Westerman
City Clerk

BILL NO. S-72-05-14

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving Water Contract No. 7206 with JOHN DEHNER, INC. for construction of the Canterbury Green Feeder Main.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Construction Contract for Water Contract No. 7206, approved May 18, 1972 between the City of Fort Wayne, by and through its Mayor and Board of Public Works, and JOHN DEHNER, INC., for

Construction and installation and furnishing all necessary materials for the installation of 1,070± feet of twenty-four (24) inch and 120± feet of sixteen (16) inch ductile iron pipe to connect with the existing twelve (12) inch water main on St. Joseph Center Road to serve the proposed Canterbury Market,

for a total cost of \$49,574.24, all to be paid by the City of Fort Wayne, as more particularly set forth on said contract which is on file in the office of the Board of Public Works, and is by reference incorporated herein and made part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the first time in full and on motion by Burns seconded by Hinga and duly adopted, read the second time by title and referred to the Committee on City Utilities.

Date: 5-23-72

Charles W. Westerman
City Clerk

BILL NO. S-72-05-16

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving a certain bid document with DELAGRANGE FORD SALES, INC. for Mobile Aerial Tower, Cab & Chassis.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. A certain bid document Reference No. 451 dated May 16, 1972 between the City of Fort Wayne, by and through its Mayor and the Board of Park Commissioners, and DELAGRANGE FORD SALES, INC., for

1 - Mobile Aerial Tower, Cab & Chassis

as more specifically set forth in said bid document Reference No. 451 and Purchase Order No. 3-07502, which are on file in the office of the Department of Purchasing, and are by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the first time in full and on motion by Hinga seconded by V. Schmidt and duly adopted, read the second time by title and referred to the Committee on Finance.

Date: 5-23-72

Charles W. Westerman
City Clerk

BILL NO. S-72-05-17

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving a certain bid document with ALLEN COUNTY MOTORS for G.V.W. Van Truck.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. A certain bid document Reference No. 456 May 18, 1972 between the City of Fort Wayne, by and through its Mayor and the Fort Wayne Humane Commission, and ALLEN COUNTY MOTORS, for

1 - 5000 lbs. maximum G.V.W. Van Truck

as more specifically set forth in said bid document Reference No. 456 and Purchase Order No. 3-07577, which are on file in the office of the Department of

Purchasing, and are by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the first time in full and on motion by Hinga seconded by V. Schmidt and duly adopted, read the second time by title and referred to the Committee on Finance.

Date: 5-23-72

Charles W. Westerman
City Clerk

BILL NO. S-72-05-18

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving a certain bid document with DEEDS EQUIPMENT COMPANY, INC. for two (2) slurry machines.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. A certain bid document Reference No. 453 dated May 19, 1972 between the City of Fort Wayne, by and through its Mayor and the Board of Public Works-Street Department, and DEEDS EQUIPMENT COMPANY, INC., for

2 Slurry Machines New Highway Model SM-8

as more specifically set forth in said bid document Reference No. 453 and Purchase Order No. 3-07605, which are on file in the office of the Department of Purchasing, and are by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the first time in full and on motion by Hinga seconded by V. Schmidt and duly adopted, read the second time by title and referred to the Committee on Finance.

Date: 5-23-72

Charles W. Westerman
City Clerk

BILL NO. S-72-05-24

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving a contract with SCHEELE
CONSTRUCTION COMPANY, INC. for Storm Sewer
Improvement Resolution No. 260-1971

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The contract approved May 15, 1972, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works, and SCHEELE CONSTRUCTION COMPANY, INC. for Storm Sewer Improvement Resolution No. 260-1971, as follows:

The Storm Water Overflow Demonstration Grant
Project No. 11021 GYU, Section 1V, Resolution
No. 260

for a total cost of \$497,270.97, as more specifically set forth in said contract which is on file in the office of the Board of Public Works, and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Winfield Moses, Jr.
Councilman

Read the first time in full and on motion by Moses seconded by Hinga and duly adopted, read the second time by title and referred to the Committee on Public Works.

Date: 5-23-72

Charles W. Westerman
City Clerk

BILL NO. S-72-05-25

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving a contract with A.
GROSJEAN & SON to improve the alley between
Glenwood and Vance Avenues from Carew to
Rolston Streets.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The contract approved May 15, 1972, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works, and A. GROSJEAN & SON, Alley Improvement Resolution No. 5606-1972, as follows:

The alley between Glenwood Avenue and Vance Avenue from the east property line of Carew Street to the west property line of Rolston Street

for a total cost of \$11,355.50, the City's participation on said improvement is \$4,119.00, as more specifically set forth in said contract which is on file in the office of the Board of Public Works, and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Winfield Moses, Jr.
Councilman

Read the first time in full and on motion by Moses seconded by Hinga and duly adopted, read the second time by title and referred to the Committee on Public Works.

Date: 5-23-72

Charles W. Westerman
City Clerk

BILL NO. Z-72-05-13

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. AA9.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated and R-2 District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof; and the symbols of the City of Fort Wayne Zoning Map No. AA9 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

Lot No. 51 Archer Heirs Addition, Plat Book No.
4 Page 1.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Eugene Kraus, Jr.
Councilman

Read the first time in full and on motion by Kraus seconded by Hinga and duly adopted, read the second time by title and referred to the Committee on Regulations, and to the City Plan Commission for recommendation.

Date: 5-23-72

Charles W. Westerman
City Clerk

BILL NO. Z-72-05-19

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. AAL5.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an M1 District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof; and the symbols of the City of Fort Wayne Zoning Map No. AAL5 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

Lots #1, 2, 3, 4, & 5, Block #2, Housers
Sub. Sec. 23 and Lots #26, 27, 28, 29, & 30,
Block #2, Housers Sub. Sec. 23 as recorded in
Flat Book 9, pages 66-67.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Eugene Kraus, Jr.
Councilman

Read the first time in full and on motion by Kraus seconded by Hinga and duly adopted, read the second time by title and referred to the Committee on Regulations, and to the City Plan Commission for recommendation.

Date: 5-23-72

Charles W. Westerman
City Clerk

BILL NO. Z-72-05-20

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. A2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3B District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof; and the symbols of the City of Fort Wayne Zoning Map No. A2 referred to therein, established by Section 9, Article III of said Chapter as amended,

are hereby changed accordingly, to-wit:

W. 28' of lot #478 and Lots #479, 480, 481, 482 Hamilton's 4th Addition to the City of Fort Wayne, except that part of Lot 482 in Hamilton's 4th Addition described as follows: Commencing at a point on the south line of said lot 482 seven (7) feet east of the Southwest corner thereof. Thence running west seven (7) feet to the Southwest corner, thence running North along the West line Eighty Four (84) feet, thence running Southeasterly to the point of beginning.

SECTION 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Eugene Kraus, Jr.
Councilman

Read the first time in full and on motion Kraus seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Regulations, and to the City Plan Commission for recommendation.

Date: 5-23-72

Charles W. Westerman
City Clerk

BILL NO. Z-72-05-21

ZONING MAP ORDINANCE NO. Z- _____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. A10.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R3 District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof; and the symbols of the City of Fort Wayne Zoning Map No. A10 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

Lots 542, 543, 545, 546, 547, 548, 549, 550, 544, 551, 552, 553, 554 and Lots 540 and 541 Belmont Addition to the City of Fort Wayne, Indiana, County of Allen.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Eugene Kraus, Jr.
Councilman

Read the first time in full and on motion by Kraus seconded by Hinga and duly adopted, read the second time by title and referred to the Committee on Regulations and to the City Plan Commission for recommendation.

Date: 5-23-72

Charles Westerman
City Clerk

BILL NO. Z-72-05-22

ZONING MAP ORDINANCE NO. Z - _____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. BB15.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated B-3B District under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof; and the symbols of the City of Fort Wayne Zoning Map No. BB15 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

Lots #28 & 29 of Norwood Augmented Addition,
bounded by Lee Street on the north and Conrad
Street on the South.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Eugene Kraus, Jr.
Councilman

Read the first time in full and on motion by Kraus seconded by Hinga and duly adopted, read the second time by title and referred to the Committee on Regulations, and to the City Plan Commission for recommendation.

Date: 5-23-72

Charles W. Westerman
City Clerk

BILL NO. Z-72-05-23

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. E-11.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R2 District under the terms of Chapter 36, Municipal Code of the City of Fort

Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof; and the symbols of the City of Fort Wayne Zoning Map No. E-11 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

Lot 9 in Santa Rosa Place Addition to the City of Fort Wayne, according to the plat thereof, which is a replat of Perry's Suburban Addition, recorded in Plat Record No. 29, pages 84 and 85 in the Office of the Recorder of Allen County, Indiana on the date of April 14, 1966.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Eugene Kraus, Jr.
Councilman

Read the first time in full and on motion by Kraus seconded by Hinga and duly adopted, read the second time by title and referred to the Committee on Regulations and to the City Plan Commission for recommendation.

Date: 5-23-72

Charles W. Westerman
City Clerk

BILL NO. G-72-05-28

GENERAL ORDINANCE NO. G-_____

AN ORDINANCE providing for the levy of a use and service charge upon passengers enplaning at Baer Field

WHEREAS, the Common Council of the City of Fort Wayne has determined that there exists a need for additional revenue with which to defray the continued and future costs of construction, improvement, equipment and maintenance of Baer Field Airport so as to provide for the reasonable safety, convenience and comfort of enplaning passengers using the facilities of Baer Field Airport; and

WHEREAS, the Common Council of the City of Fort Wayne has determined that the use of Baer Field Airport and its various facilities is enjoyed in substantial degree by persons and taxpayers who reside outside the jurisdiction of the City of Fort Wayne who do not directly contribute toward the support, construction, improvement, equipment, maintenance and control of said Airport and its facilities; and

WHEREAS, the Common Council of the City of Fort Wayne, after due and deliberate consideration, has determined that the responsibility for the support, construction, improvement, equipment and maintenance of said Airport and its facilities, lies and should be shared more equally by all those persons who enjoy and use its facilities and services;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Commencing on July 1, 1972, there is hereby fixed, created and established a use and service charge of One Dollar (\$1.00) for each passenger enplaning any commercial aircraft operated from the Baer Field Airport.

SECTION 2. Each commercial airline now or hereafter operating commercial aircraft to and from the Baer Field Airport together with its various agents and travel agencies, servants, employees and representatives is hereby charged with the duty to collect said use and service charge.

SECTION 3. Said commercial airlines are hereby further directed to remit to the Controller of the City of Fort Wayne all the use and service charges so collected:

- (a) for the period commencing July 1 and terminating December 31 of each year, on or before January 31 next following said six month period;
- (b) for the period commencing January 31 and terminating June 30 of each year, on or before July 31 next following said six month period.

Said remittance shall be based upon the number of enplaning passengers at Baer Field Airport as described in Section 2 of the Ordinance, times the use and service charge of One Dollar (\$1.00) less six percent (6%) of all amounts so collected, which percentage is hereby allocated and allowed to said airlines for the purpose of defraying the administrative costs of collecting and remitting said use and service charge.

SECTION 4. The term "each passenger enplaning and commercial aircraft operated from the Baer Field Airport" shall not include, nor shall the use and service charge hereby created, apply to 1) any active-duty members of the United States Armed Forces; 2) any passenger having, (a) a locality other than Baer Field Airport as an initial point of departure and, (b) a scheduled layover at Baer Field Airport of fewer than four hours.

SECTION 5. All revenue collected from said use and service charges shall be held by the Controller of the City of Fort Wayne in the aviation fund for the purpose of defraying the present and future costs incurred in the construction, improvement, equipment, and maintenance of said Airport and its facilities for the use and future enjoyment by all users thereof.

SECTION 6. If any provision or clause of the Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 7. This Ordinance shall be in full force and effect upon its passage, approval by the Mayor, and legal publication thereof.

William T. Hinga
Councilman

Read the first time in full and on motion by Hingaseconded by V. Schmidt and duly adopted, read the second time by title and referred to the Committee on Finance and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tuesday, the 13th day of June 1972, at 7:30 o'clock P.M., E.S.T.

Date: 5-23-72

Charles W. Westerman
City Clerk

BILL NO. G-72-05-29

GENERAL ORDINANCE NO. G-_____

AN ORDINANCE amending Sections 3, 6, and 14 of the Zoning Ordinance of the City of Fort Wayne, Indiana, pertaining to service station uses and abandoned service station buildings.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. It is the purpose of this ordinance to permit the location of service stations only in accordance with comprehensive planning goals; to regulate motor vehicle access to such uses so as to cause minimum disruption of traffic; to regulate the appearance of such uses in a manner consistent with reasonable standards; to require that certain operations of such uses be conducted within enclosed buildings or be effectively screened, and, where appropriate, to require that all services be enclosed or screened; to allow service station uses, within a normal competitive environment, and subject to specified site standards, and to prevent such concentrations of service stations as would tend to create blight and congestion in view of the recognized tendency toward excessive service station development in certain areas of the community, there being at least 150 abandoned service stations in the City of Fort Wayne, many of which are now contributing to depress property values and create blight in the community's central or nearcentral business districts and older residential areas.

SECTION 2. Section 3 of Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and subsequent amendments, is hereby amended by adding thereto the following:

Section 3. Definitions.

(44a) Service Station. An establishment having more than one pump wherein a principal activity is the sale of motor fuel as directly dispensed to the consumer's vehicle.

SECTION 3. Section 6 of Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and subsequent

amendments, is hereby amended by adding thereto the following:

Section 6. Amortization of Nonconforming Uses or Buildings.

- E. Any servicestation which is a nonconforming use on July 1, 1972, or becomes a nonconforming use thereafter and which is not operating for a period of six (6) months or more after July 1, 1972, or any such service station not operating for a lesser period if intention to abandon is evidenced by removal of pumps or other facilities or other such action, shall be considered abandoned and the Board, after public hearing duly advertised as part of a regular public meeting of the Board, and with at least a five (5) day notice by certified mail to the owner of the real estate upon which the abandoned service station structure is located as disclosed by the tax duplicates of Allen County, Indiana, and the lessor of said station if any, if known by the Building Commissioner, may require the razing and removal of any structure and equipment from the premises and removal of any underground fuel tanks or the filling of same with sand or other suitable material approved by the Commissioner, all within sixty (60) days following the Board's order of razing and removal unless further time is allowed by the Commissioner. The Board's order must be supported by a finding from evidence presented at the public hearing including current photographs of the structure and equipment and surrounding property, that the abandoned service station is tending to create blight and has a material adverse effect upon the enjoyment, use and value of adjacent public or private property, and the reasonable cost of razing and removal will not exceed the benefits to be received by the adjacent users of real estate and the neighborhood community. If an owner, lessor, or user does not comply with any razing and/or removal order of the Board, the Building Commissioner shall have the right to withhold use permits for any other service station uses requested by or for said noncomplying owner, lessor or user.

SECTION 4. Section 14 of Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and subsequent amendments, is hereby amended by removing therefrom the following:

Section 14. Permitted Uses - Specified Districts.

E. "BIB" District.

(2) Service Station."

SECTION 5. Section 14 of Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and subsequent amendements, is hereby amended by adding thereto the following:

Section 14. F. "B2" - "B2a". Regional and Neighborhood Shopping Centers.

- (1a) Service Station Use subject to and limited by the following criteria:
 - (a) In a "B2" Center the number of service stations shall not exceed one for each ten (10) acres contained in the Center, if all other requirement of this Section F are satisfied.
 - (b) In a "B2A" Center one service station if all other requirements of this Section F are satisfied.
 - (c) Access to service stations in "B2" and "B2A" Centers shall be solely from within the center.
 - (d) Screening consisting of walls, fences, or other structures, or evergreens so situated and of sufficient opacity or translucence as to conceal the service station from any point at the service station boundary to 6- $\frac{1}{2}$ feet above the said boundary, shall be provided for residential zones adjacent to any such service station.

Section 14. G. "B3A" and "B3B" District - General Business.

- (10) Service station in a "B3B" District only; subject to compliance with the following requirements:
 - (a) Lot Size and Frontage Requirements. A Station with four pumps and up to two enclosed service bays, requires a site with a minimum frontage on the primary street of 150 feet and a minimum area of 12,000 square feet. A station with more than 4 pumps and/or more than two enclosed service bays requires a site with a minimum frontage on the primary street of

150 feet and a minimum area of 40,000 square feet.

- (b) The building itself should be set back at least 40 feet from any street right-of-way lines to provide adequate area for maneuvering vehicles in the service area and proper visibility, particularly at intersections, a gasoline pump or pump island shall be set back at least 15 feet from any street right-of-way.
- (c) Size and Height of Buildings:
 - (i) The size of all buildings shall fall within the following criteria: the minimum lot coverage shall be 30% of lot area or 1,800 square feet whichever is greater.
 - (ii) The height of all structures (as defined in this chapter) shall comply with the zoning district in which it is located.
- (d) Plan Commission shall review and approve all automobile service station site plans, landscaping and building designs. It may approve, disapprove, or approve with conditions, any submittal. The architectural design of the building shall be integrated with that of the surrounding area, and it may require change in design or appearance if the design and plan submitted would have a material adverse effect upon the enjoyment or value of adjacent public or private property.
- (e) Driveways and Other Paved Surfaces Including Parking:
 - (i) Driveways - All driveways and access geometrics are to comply with the requirements of the state or local agency responsible for issuance of permits.
 - (ii) Parking - Parking of vehicles on site is prohibited except for such vehicles as are in the process of being serviced, those belonging to employees, service and tow trucks owned by the establishment. Parking is prohibited where it will impede the vision of the traffic in the public streets, parking of rental vehicles is prohibited.

A minimum of 4 parking spaces for each service bay shall be provided. In no case shall less than 10 spaces be provided. Spaces shall be 9' x 20' minimum and striped.

- (f) Landscaping and Buffer Strips: Ten per cent of the total site shall be landscaped and such landscaping shall be maintained and replaced as necessary. At least 50 per cent of the shrubbery and trees shall be evergreen. A six (6) foot wide landscaped area shall be provided and maintained in good order along every property line in common with any residentially zoned property or public right of way.
- (g) Signs: All signs must be in compliance with the existing sign ordinance and provisions of this chapter. In addition, service stations shall:
 - (i) Not have more than one free standing sign, which shall not exceed 25 feet in height nor have automated parts or intermittent lighting, shall be at least 50 feet from any residentially zoned property and not contain any description other than the station name and/or symbol and item prices.
 - (ii) All roof signs are prohibited and no part of any sign attached to any structure shall project above a height of 25 feet, have automated parts or intermittent illumination.
 - (iii) All banners, pennants and similar devices designed for temporary outdoor display shall be prohibited.
- (h) Lighting: All exterior lighting shall be so arranged and shielded as to prevent direct illumination from striking abutting property and from striking the occupants of vehicles passing on abutting streets.
 - (i) Storage: All storage must be enclosed and integrated with the design of the station. All hoists, service racks, accessory sales racks and vending machines shall be maintained within an enclosed building.
- (j) Maintenance: All service stations shall be

maintained at all times in a clean and orderly condition. The responsibility for compliance with the provision shall lie with all parties having a lease or ownership interest in the station.

- (k) No service station will be permitted along a street or streets in the case of a corner location, nearer than 600 feet to an existing station unless the average weekday traffic volume along such street is more than 20,000 vehicles per day according to the latest A.D.T. of the governmental agency having jurisdiction of the adjacent streets, per existing and proposed station. However, in no case shall a service station as provided for herein be permitted nearer than 300 feet from another service station on the same side of the street nor if two service stations already exist at a given intersection.

Section 14. I. "M1" District - Light Industrial.

- (2) Other Commercial Uses, including but not limited to the following:

- (r) Service Station.

SECTION 6. If any part, parts, section, sections, provision, clause or portion of this ordinance shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this ordinance as a whole or of any other part, section, clause, provision, or portion of this ordinance.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.

Winfield Moses, Jr.
Councilman

Read the first time in full and on motion by Moses seconded by Hinga and duly adopted, read the second time by title and referred to the Committee on Public Works.

Date: 5-23-72

Charles W. Westerman
City Clerk

BILL NO. G-72-05-30

GENERAL ORDINANCE NO. G-_____

AN ORDINANCE amending Sections 3 through 5, each inclusive, of Chapter 35 of the Fort Wayne Municipal Code, pertaining to the control of weeds, noxious plants, and rank vegetation and transferring certain duties in connection therewith from the Police Department and Board of Public Works to the Board of Health and the Department of Public Parks.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Sections 3 through 6, inclusive of Chapter 35 of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended, is hereby amended to read as follows:

Section 3.

At least onbe during each of the months of May, June, July, August, September and October of each year it shall be the duty of every person to cut, and remove from any premises owned, leased or occupied by such person, weeds, noxious plants and/or rank vegetation.

Section 4.

It shall be a misdemeanor for any owner, lessee or occupant to fail to cut and remove from the premises weeds, noxious plants and/or rank vegetation. Upon conviction, any such owner, lessee or occupant shall be fined not less than \$10.00 nor more than \$300.00.

Section 5.

Upon request of the Board of Health it shall be the duty of the Department of Public Parks to cut and remove all weeds, noxious plants and/or other rank vegetation in all cases in which the owner, lessee, or occupant of the premises neglects or refuses to do so, after being notified to do so by written notice delivered to such owner, lessee or occupant personally or left at his usual place of abode with some person of suitable age and discretion residing therein; or if there is no lessee or occupant, and if the identity and address of the owner may not be determined by inquiry in the neighborhood and is not otherwise known, then the Board of Health shall make a reasonable attempt to ascertain the identity and address of the owner by examination of the records in the City County Building including the City and Suburban Directories. Upon ascertaining the identity of such owner, the Board of Health may notify such owner as hereinabove provided or in the event such owner does not reside within the boundaries of the City of Fort Wayne, Indiana, he should be notified by registered or certified mail, return receipt requested and received, provided that the return of such mail with a notation of the addressee's refusal to accept it shall be sufficient proof of receipt.

Section 6.

In cases in which such work is performed on property owned by the City, such

work shall be billed by the Department of Public Parks to the owner of the property together with \$1.00 as a fee for notification as hereinabove provided and such billing shall constitute a lien on such property until paid, provided that the City may foreclose on such lien for the collection of such cost at any time after 30 days from the date of first billing. The perfecting and foreclosure of said lien shall be accomplished in the same manner as the foreclosure of other liens in favor of the City created by ordinance.

SECTION 2. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid by any court, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Eugene Kraus, Jr.
Councilman

Read the first time in full and on motion by Kraus seconded by V. Schmidt and duly adopted, read the second time by title and referred to the Committee on Regulations.

Date: 5-23-72

Charles W. Westerman
City Clerk

BILL NO. G-72-05-31

GENERAL ORDINANCE NO. G-_____

AN ORDINANCE amending Ordinance No. G-85-70 1) by abolishing the present Metropolitan Human Relations Commission thereby created; 2) by replacing said Commission with a smaller Commission whose members are more representative of diverse elements of the community; 3) by expanding the powers of said Commission; 4) by expanding the scope of the duties of said Commission; and 5) by making it unlawful to discriminate in education.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Article 1 of Ordinance No. G-85-70 is hereby amended to read as follows:

ARTICLE I - PURPOSES

Section 1. The Mayor and the Common Council of the City of Fort Wayne, Indiana, find that discrimination in social, cultural and economic life in the City of Fort Wayne against any person or persons because of race, sex, color,

religion, ancestry, national origin, or place of birth, is contrary to American principles and is harmful to the social, cultural, and economic life of Fort Wayne: that discrimination, particularly in employment opportunities, public accommodations, and housing, increases the burden and cost of government. That such discrimination contributes to increased crime, vice, juvenile delinquency, fires and other evils thereby affecting the public safety, the public health, and the general welfare of the community; it is, therefore, deemed to be in the best interests of the City of Fort Wayne to create a metropolitan commission to administer and enforce anti-discrimination legislation and ordinances, all as authorized by the Indiana Civil Rights Act.

Section 2. In filling such broad purposes, the Metropolitan Human Relations Commission of the City of Fort Wayne is to:

- a) study the relationships between the various races, sexes, creeds and nationalities within the City of Fort Wayne and to advise and assist the various departments of the City of Fort Wayne in matters involving relationship between such groups to the end that prejudice, intolerance, bigotry, and discrimination will be eliminated in the City of Fort Wayne.
- b) eliminate discrimination in education, employment, public accommodation, and housing based upon sex, race, religion, ancestry, national origin or place of birth.
- c) study, investigate and take action in regard to any condition having an adverse effect upon relations between the various races, sexes, creeds and nationalities.
- d) institute and conduct educational and other programs intended to promote the equal rights and opportunities of all persons.
- e) solicit the cooperation of the various racial, ethnic, and religious groups within the community in order to improve the quality of communications and understanding within the community.
- f) stimulate private and governmental departments and agencies to develop and foster meaningful programs in support of the objectives and purposes of the Metropolitan Human Relations Commission.
- g) insure the equal protection of all persons and to insure the full availability of all rights and privileges of citizenship to all persons.

SECTION 2. Sections 2,3,4d and 5 of Article 3 of Ordinance No. G-85-70 are amended to read as follows:

Section 2.

- a) The Commission shall consist of seven (7) members:
 - (i) one of whom shall be appointed by the Common Council from among its members at the annual meeting for the election of officers of the Council, and
 - (ii) six of whom shall be appointed by the Mayor.

b) The member appointed by the Common Council shall serve until the next annual meeting for the election of officers of the Council and members appointed by the Mayor shall serve, until December 31 of the second full year following the year of their appointment.

Section 3. - Qualifications of Members.

a) All members shall be residents of the City of Fort Wayne. The Mayor shall make only those appointments which insure:

- (i) that members are persons who have demonstrated a commitment to the purposes for which the Commission is created and
- (ii) that the Commission is broadly representative of the community in regard to race, religion, national origin, sex, and political affiliation.

b) It shall be the duty of the Mayor to solicit suggestions for Commission appointments from organizations having an interest in the improvement of inter-group relations in the community and to give thoughtful consideration to the appointment of persons so suggested.

Section 4 (d). The Mayor shall, at any time, have the right to remove any member of the Commission (other than the member appointed by the Common Council) with or without cause.

Section 5 - Powers and Duties. The Commission shall have the following powers and duties:

a) All powers that may lawfully be conferred upon the Commission pursuant to applicable provisions of Indiana law (IC-1971 22-9-12) including, specifically, the power to investigate, conciliate, and hear complaints, subpoena and compel the attendance of witnesses of the production of pertinent documents and records, administer oaths, examine witnesses, appoint a hearing examiner or panel, make findings and recommendations, issue cease and desist orders requiring remedial action, institute actions for appropriate legal or applicable relief in the circuit or superior court.

b) The commission shall meet month in a public facility beginning an hour not earlier than 7 P.M. nor later than 10 P.M. It shall be the duty of the Executive Director of the Commission to notify the news media concerning such meetings not less than 72 hours prior to the time of such meetings. All meetings of the Commission shall be open to the public.

c) The Commission shall receive and investigate charges of discriminatory practices and, if it appears that reasonable grounds exist for the charges, the Commission shall accept a complaint or the director may make a complaint, which complaint shall be in writing and verified. If a complaint has been made, the Commission may hold hearings and make an investigation of the complaint, which investigation shall be conducted by the Commission or by the director of his staff.

d) The commission shall endeavor to keep itself fully informed concerning the studies and findings of private organizations in respect to the practices

falling within the Commission's jurisdiction.

e) Annual Report. The Commission shall render an annual report of its doings to the Mayor and to the Common Council and shall render such other additional reports as the Mayor or the Council may from time to time request. The reports shall describe, in detail, the investigations and conciliation proceedings it has conducted and their outcome, the progress made, and any other work performed and achievement toward the elimination of discrimination.

SECTION 3. Article 4 of Ordinance No. G-85-70 is hereby amended by adding a new Section 7 which reads as follows:

Section 7. Discrimination in Education. It shall be unlawful for any person, establishment or governmental agency regularly engaged in the offering of educational services to discriminate against any one because of race, sex, color, or national origin except that an educational facility operated by or affiliated with a religious organization may discriminate on the basis of religious affiliation.

James Stier
Councilman

Read the first time in full and on motion by Stier seconded by V. Schmidt and duly adopted, read the second time by title and referred to the Committee on Administration and State Legislation

Date: 5-23-72

Charles W. Westerman
City Clerk

BILL NO. G-72-05-33

GENERAL ORDINANCE NO. G-_____

AN ORDINANCE amending Chapter 11, Section 3
of the Municipal Code of the City of Fort
Wayne (Fire Prevention Code)

SECTION 1. That Section 3 of Chapter 11 of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended, be and the same is hereby amended to be and read as follows:

SECTION 3

There is hereby adopted by the City for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code recommended by the American Insurance Association, being particularly the 1970 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than three copies have been and now are filed in the office of

the Clerk of the City and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City.

SECTION 2. The Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.

Eugene Kraus, Jr.
Councilman

Read the first time in full and on motion by Kraus seconded by Hinga and duly adopted, read the second time by title and referred to the Committee on Regulations.

Date: 5-23-72

Charles W. Westerman
City Clerk

BILL NO. S-72-05-03

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance approving a certain bid document with Griffith's Harley-Davidson Sales & Service for 5 motorcycles - 3 wheel type have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

Concurred in 5-23-72

William T. Hinga
Winfield Moses, Jr.
James S. Stier
Samuel J. Talarico
Paul "Mike" Burns

BILL NO. S-72-05-03

SPECIAL ORDINANCE NO. S-36-72

AN ORDINANCE approving a certain bid document with Griffith's Harley-Davidson Sales & Service for 5 motorcycles - 3 wheel type.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. A certain bid document Ref. No. 448 dated April 25, 1972 between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety, Police Department, and Griffith's Harley-Davidson Sales & Service, for

5 motorcycles - 3 wheel type
with rear compartment

\$11,628.47

as more specifically set forth in said bid document Ref. No. 448 and Purchase Order No. 3-07014, which are on file in the office of the Department of Purchasing, and are by reference incorporated herein and made a part

hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga seconded by Talarico and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Nine
Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, V. Schmidt, Stier,
Talarico
Nays: None

Date: 5-23-72

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-36-72 on the 23rd day of May, 1972

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of May, 1972, at the hour of 8:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 24th day of May, 1972, at the hour of 11:00 A.M., E.S.T.

Ivan A. Lebamoff
Mayor

BILL NO. S-72-05-04

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance approving a certain bid document with Stockberger Machinery, Inc. for one Brush Chipper, have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

William T. Hinga
Winfield Moses, Jr.
James S. Stier

Samuel J. Talarico
Paul "Mike" Burns

Date: 5-23-72

Charles W. Westerman
City Clerk

BILL NO. S-72-05-04

SPECIAL ORDINANCE NO. S-37-72

AN ORDINANCE approving a certain bid document with Stockberger Machinery, Inc. for one Brush Chipper.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. A certain bid document Ref. No. 449 dated April 27, 1972 between the City of Fort Wayne, by and through its Mayor and the Board of Park Commissioners, and Stockberger Machinery, Inc., for

One Brush Chipper \$4,025.00

as more specifically set forth in said bid document Ref. No. 449 and Purchase Order No. 3-07114, which are on file in the office of the Department of Purchasing, and are by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga seconded by V. Schmidt and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Nine
Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 5-23-72

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-37-72 on the 23rd day of May, 1972.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of May, 1972, at the hour of 8:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 24th day of May, 1972, at the hour of 11:00 o'clock A.M., E.S.T.

Ivan A. Lebamoff
Mayor

BILL NO. R-72-05-12

RESOLUTION NO. R- 24-72

RESOLUTION authorizing payment for repairs to City-owned vehicle.

WHEREAS, Squad Car # 3 was damaged in an automobile accident May 1, 1972 at the intersection of Maumee and Anthony Streets; and

WHEREAS, settlement in the amount of \$261.96 was made by Allstate Insurance Company, to the City Controller's Office, which money was receipted into the General Fund; and

WHEREAS, Jim Kelly Buick, Inc. has submitted an estimate in the amount of \$261.96, which sum is the reasonable value of said repairs;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. That the City Controller is authorized to pay the sum of \$261.96 to Jim Kelly Buick, Inc. for repairs to Squad Car # 3.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, V. Schmidt, Stier,
Talarico
Nays: None

Date: 5-23-72

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution R-24-72 on the 23rd day of May, 1972.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of May, 1972 at the hour of 8:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 24th day of May, 1972, at the hour of 11:00 o'clock A.M., E.S.T.

Ivan A. Lebamoff
Mayor

BILL NO. R-72-05-15

RESOLUTION NO. R-25-72

RESOLUTION authorizing payment for repairs to City-owned vehicle.

WHEREAS, Squad Car # 21 was damaged in an automobile accident May 1, 1972, in the 1200 block of Wells Street; and

WHEREAS, settlement in the amount of \$143.30 was paid by American States Insurance Company, to the City Controller's Office, which money was receipted into the General Fund; and

WHEREAS, Jim Kelly Buick, Inc. has submitted an estimate in the amount of \$143.30, which sum is the reasonable value of said repairs;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. That the City Controller is authorized to pay the sum of \$143.30 to Jim Kelly Buick, Inc. for repairs to Squad Car # 21.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga seconded by V. Schmidt and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Nine
Burns, Hinga, Kraus, Muckols, Moses, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 5-23-72

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-25-72 on the 23rd day of May, 1972.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of May, 1972, at the hour of 8:00 o'clock AM., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 24th day of May, 1972, at the hour of 11:00 o'clock A.M., E.S.T.

Ivan A. Lebamoff
Mayor

BILL NO. R-72-05-26

RESOLUTION NO. R-26-72

A RESOLUTION concerning Flood Plain
Zoning

WHEREAS, many sections of the City of Fort Wayne are subject to flooding and such flooding is a danger to the people and property within the City of Fort Wayne; and

WHEREAS, the lack of proper flood plain zoning hinders the obtaining of proper Federal flood insurance and may hinder the obtaining of certain Federal flood control funds now.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

That the Common Council undertake to pass adequate flood zoning legislation as soon as the location of flood plain areas can be adequately determined by the County Surveyor, the City of Fort Wayne Board of Works and other interested parties.

Eugene Kraus, Jr.
Councilman

Read the third time in full and on motion by Kraus seconded by Moses and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, V. Schmidt, Stier, Talarico

Date: 5-23-72

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-26-72 on the 23rd day of May, 1972.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of May, 1972, at the hour of 8:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 24th day of May, 1972, at the hour of 11:00 o'clock A.M., E.S.T.

Ivan A. Lebamoff
Mayor

BILL NO. S-72-05-07

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance approving Change Order No. 7 with John Dehner, Inc. in connection with work performed on Inner-City Storm Relief Project Sewer Resolution No. 251 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

Winfield C. Moses, Jr.
William T. Hinga
Samuel J. Talarico
Eugene Kraus, Jr.
Donald J. Schmidt

Concurred in 5-23-72

Charles W. Westerman
City Clerk

BILL NO. S-72-05-07

SPECIAL ORDINANCE NO. S- 38-72

AN ORDINANCE approving Change Order No. 7 with John Dehner, Inc. in connection with work performed on Inner-City Storm Relief Project Sewer Resolution No. 251

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 7, with John Dehner, Inc., in connection with work performed on Inner-City Storm Relief Project Sewer Resolution No. 251,

to establish item numbers and prices for items which were not in the original bid and have been required during the construction of this contract, for a net increase in the contract of \$8,751.15, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Winfield Moses, Jr.
Councilman

Read the third time in full and on motion by Moses seconded by Talarico and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Nine
Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, V. Schmidt, Stier,
Talarico
Nays: None

Date: 5-23-72

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-38-72 on the 23rd day of May, 1972.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of May, 1972, at the hour of 8:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 24th day of May, 1972, at the hour of 11:00 A.M., E.S.T.

Ivan A. Lebamoff
Mayor

BILL NO. R-72-05-27

RESOLUTION NO. R-27-72

WHEREAS, the United States of America is still deeply involved in the Vietnam War; and

WHEREAS, since 1961 the total death count of military dead as a direct result of said war is:

- | | |
|--------------------------------|----------------|
| 1. American Military deaths | 45,703 |
| 2. South Vietnamese deaths | 159,839 |
| 3. Communists deaths | 810,757 |
| 4. Civilian casualties include | |
| 1,050,000 in South Vietnam | 325,000 killed |
| (an estimated 30% or 97,500 | |
| children under 13 years of | |
| age) | |

WHEREAS, above death totals do not include other human injuries and casualties; and

WHEREAS, the Refugee Sub-committee estimates that "over a third of South Vietnam's estimated population of 18 million have become refugees since 1964, with the vast majority still crowded into urban areas or into refugee centers near provincial and district towns; and

WHEREAS, the United States of America has expended 6,319,320 tons of air munitions in South Vietnam as opposed to only 2,160,110 tons in all of World War II. This is enough munitions to create 3.5 million craters 45 feet in diameter and 30 feet in depth in South Vietnam and the Communists still control a major portion of South Vietnam; and

WHEREAS, three million Indo Chinese civilians are now living in areas subject to U.S. bombing at any time day or night and this is approximately equal to fifteen (15) times the amount of civilians in metropolitan Fort Wayne; and

WHEREAS, since 1965, fighting the War in Vietnam has cost the United States of America \$123,000,000, which figure does not include the indirect costs, such as war generated inflation, Vietnam Veteran's benefits, and rehabilitation for drug-addicted troops. Considering the veterans alone, and using past Wars as a guide, it is estimated that the budgeted cost of the War will be increased by at least 50% of \$60,000,000,000 as Vietnam Veterans benefits are paid out in the future. A further cost will be borne by the U.S. taxpayer as they pay more and more interest on the national debt, which is nearly 80% war-created; and

WHEREAS, to estimate each taxpayer's contribution of Fort Wayne, to the Vietnam War the formula developed by Senator Mark Hatfield allows each citizen to calculate his individual contribution to military spending and to the war in Vietnam and is as follows:

Simply estimate the Total Federal Taxes you paid during fiscal 1971 (July 1, 1970 - June 30, 1971) which includes your income tax; excise taxes on alcohol, tobacco, amusement, telephone, luxuries, and custom duties, estate taxes and gift taxes, if any and multiply this total by 0.64 and you will have your contribution to military spending for fiscal 1971. Multiply that same total by 0.10 and you will have your contribution to the Vietnam War last year. To determine total contributions since 1965 multiply that same total by 0.77; and

WHEREAS, using said Senator Hatfield's formula the average Fort Wayne taxpayer paid \$1,542.00 last year in Federal taxes, of this amount \$987.00 was for military purposes, \$154.00 specifically for the Vietnamese War. Since 1965 the War in Vietnam has cost the average Fort Wayne taxpayer a total of \$1,188.00; and

WHEREAS, the following figures reveal the present order of priorities, and new priorities are needed if we are to restore the health of the economy, and meet the pressing need for Federal funds for water and sewer projects, housing, aid to education, law enforcement, environmental protection, youth care, job retraining, irrigation and flood control, recreational area development, etc.; and

WHEREAS, the War in Vietnam has also cost a great deal to Fort Wayne in terms of lost opportunities, the list of much needed projects in nearly inexhaustible, and the list of projects rejected or delayed for lack of funds is nearly as long including:

- | | |
|--|-----------|
| 1. Pollution control project for City Light | \$736,000 |
| 2. Storm relief sewer for Harvester ditch | \$600,000 |
| 3. Saint Mary's Interceptor, extension of Lower Huntington Road | \$273,000 |
| 4. African Veldt - (Children's Zoo) | \$ 49,297 |
| 5. Redesign of Crescent Avenue at Anthony Blvd. including changes in traffic signals | \$ 50,000 |
| 6. Lime sludge facilities | \$263,296 |
| 7. Chlorination facilities, treatment of effluent from treatment plant | \$586,000 |
| 8. Improve St. Joe Road from State Rd. #37 north to Eward Road. | \$500,000 |

WHEREAS, in addition to the horrible human cost of death and injury to young Fort Wayne men, the War has caused the people of Fort Wayne to forfeit large sums of money and tremendous economic opportunities and Fort Wayne has suffered and the quality of living has gone wanting; and

WHEREAS, the road to a healthier economy and to a better quality of life leads away from excessive military spending. The way is through development of community, commercial, human and natural resources. It is time for a change.

THEREFORE BE IT RESOLVED that the Common Council of the City of Fort Wayne, Indiana in the best interests of this community and the nation as a whole calls upon our Federal Government to:

1. Cease bombing and harbor mining throughout Indo China, although we deplore the invasion of South Vietnam by North Vietnam;
2. Immediately release all prisoners of war on both sides;

3. Withdraw all American Troops upon release of all prisoners of war by North Vietnam and cut off all military funds;

4. Resume the Paris Peace talks by the United States;

5. Call upon the President, Indiana Senators Vance Hartke and Birch Bayh, and Congressman Edward Roush to support the Mansfield Amendment which cuts off funds for United States Ground Forces in Vietnam by August 31, 1972, if the Vietnamese will release prisoners of war and cease firing on American troops; and

BE IT FURTHER RESOLVED that in pursuit of a local positive action program we pledge to work toward a program to:

1. Assist our returning Vietnam Veterans in locating employment and returning to civilian life;

2. Seek every possible way to have the financial priorities of Fort Wayne and other cities given equal consideration for the vast economic expenditures by our Federal Government.

Winfield Moses, Jr.
Councilman

Donald Schmidt moved and William Hinga seconded to amend the Resolution No. R-27-72, but it failed by:

Five Ayes; Three Nays One Abstained

Then by the second action to withdraw the Resolution No. R-27-72, it was moved by Donald Schmidt and seconded by William Hinga but failed by:

Five Ayes Three Nays One Abstained

Date: 5-23-72

Charles W. Westerman
City Clerk

Read the third time in full and on motion by Moses seconded by V. Schmidt and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Five
Kraus, Nuckols, Moses, V. Schmidt, Stier
Nays: Three
Burns, Hinga, D. Schmidt
Abstained : One
Talarico

Date: 5-23-72

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-27-72 on the 23rd day of May, 1972.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

John Nickols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of May, 1972, at the hour of 8:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 24th day of May, 1972, at the hour of 11:00 o'clock A.M., E.S.T.

Ivan A. Lebamoff
Mayor

The Council then adjourned.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said city and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday, the 23rd day of May, 1972; that the numbered ordinances show therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance respectively; and that all such records, proceedings and ordinances remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 23rd day of May, 1972.

Charles W. Westerman
City Clerk

SEAL

Minutes approved and signed in open council this 13th day of June, 1972.

CITY CLERK

PRESIDING OFFICER